BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NOS. 96-358-C & 96-375-C - ORDER NO. 97-328

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IN RE: Docket No. 96-358-C - Petition of AT&T Communications of the Southern States, Inc. for Arbitration with BellSouth Telecommunications, Inc.

ORDER
GRANTING
MOTION FOR
CLARIFICATION

AND

Docket No. 96-375-C - Petition of AT&T Communications of the Southern States, Inc. for Arbitration with with GTE South, Inc.

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion for a Clarification of Procedural Orders applicable to both the above-captioned Dockets filed by AT&T Communications of the Southern States, Inc. (AT&T). In its Motion, AT&T requests that the Commission clarify its Procedural Orders, Order Nos. 97-40 and 97-39 in the above-captioned Dockets. In particular, AT&T requests that the Commission clarify the dates by which the parties to the respective proceedings are required to submit to the Commission the forms of agreement for interconnection, including the matters arbitrated in these Dockets, and specifying the dates for such submissions. BellSouth Telecommunications, Inc. (BellSouth) submitted a response to AT&T's Motion.

AT&T initiated these proceedings pursuant to Section 252(b) of the Telecommunications Act of 1996 (the Act). The Commission has now issued its Orders, Orders Nos. 97-189 on March 10, 1997 and 97-211 on March 17, 1997, respectively, in these two Dockets addressing the issues submitted to it for arbitration. The next step under the Act is to prepare an Interconnection Agreement including the arbitrated terms and to present that agreement to the Commission for approval. See 47 U.S.C.A. §252(e). There is, however, some confusion among the parties in the two Dockets as to when this is to be done.

Section 252(c) (3) of the Act provides that the Commission is to "provide a schedule for implementation of the terms and conditions by the parties to the agreement." While the Arbitration Orders, Nos. 97-189 and 97-211, do not specify the schedule to be followed thereafter, the Commission, according to AT&T, does appear to have addressed this issue in the original Procedural Orders, Nos. 97-40 and 97-39, by reference to Order No. 96-695, and to have required that proposed forms of agreement be supplemented within thirty (30) days of the rendering of the respective arbitration decisions.

AT&T states that because of the alleged ambiguity as to the applicability of this portion of the original Arbitration Plan and because of the nearness of the 30-day deadlines in these two Dockets, it requests that the Commission clarify its prior Procedural Orders in these Dockets to provide (i) that AT&T and BellSouth submit to the Commission pursuant to Section 252(e) (1)

of the Act a form of Interconnection Agreement that incorporates the terms of Order No. 97-189, not later than fourteen (14) days from the date of such clarification and (ii) that AT&T and GTE submit to the Commission pursuant to Section 252(e) (1) of the Act a form of Interconnection Agreement that incorporates the terms of Order No. 97-211, not later than thirty (30) days from the date of such clarification.

We have examined this Motion, and BellSouth's response, and do hereby grant the Motion as filed, since AT&T states a reasonable cause for clarification.

IT IS THEREFORE ORDERED THAT:

- 1. AT&T and BellSouth submit to the Commission a form of Interconnection Agreement that incorporates the terms of Order No. 97-189, not less than fourteen (14) days from the date of this Order.
- 2. That AT&T and GTE submit to the Commission a form of Interconnection Agreement that incorporates the terms of Order No. 97-211, not later than thirty (30) days from the date of this Order.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

Chairman

ATTEST:

Executive Director

(SEAL)